

WOODARD, EMHARDT, MORIARTY, McNETT & HENRY LLP
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JUN 15 2004

FAX COVER SHEETNO. OF PAGES: COVER SHEET PLUS 19 PAGE(S)

OFFICIAL

TO: Examiner Joanne Silbermann, Art Unit 3611FAX TELEPHONE NO.: 703-872-9306FROM: Charles P. Schmal

DATE: Tuesday, June 15, 2004

CONFIRMATION OF RECEIPT REQUESTED IF CHECKED.☐☐

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Re: Response to Office Action for Robert Kay, S/N 09/914,366

Please find enclosed a Response to the Office Action for the above-identified patent application. If you have any questions, please do not hesitate to contact me via telephone at (317) 713-4954.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for

Serial No. 09/914,366

is being facsimile transmitted to the Patent and Trademark Office

Fax Number (703) 872-9306 to Examiner Joanne Silbermann

Art Unit 3611 on June 15, 2004

Cheryl Kalugver

Typed or Printed Name



Signature

June 15, 2004

Date of Signature

287689

Doc. No. 287697 WEMMH/SB/17 (12/03)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL
FOR FY 2004**

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$18.00)

Complete if Known

Application Number 09/914,366

Filing Date August 27, 2001

First Named Inventor Robert Kay

Group Art Unit 3611

Examiner Name Joanne Silbermann

Attorney Docket Number 5600-2

METHOD OF PAYMENT☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
- ☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES

		Extra Claims		Fee From Below	Fee Paid
Total Claims	39	-38** =	1	X 18.00	= 18.00
Independent Claims	3	-3** =	0	X 86.00	= 0.00
Multiple Dependent					

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$) 18.00

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	2812	2,520	For filing a request for ex parte reexamination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Petitions related to provisional applications	
1808	180	2808	180	Submission of Information Disclosure Stmt	
8021	40	28021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(e))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(d))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other Fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 0.00

SUBMITTED BY

Name (Print/Type) Charles P. Schmal

Registration No. (Attorney/Agent)

45.082

Telephone

(317) 634-3456

Signature

Date

June 15, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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005600-000002.CPS.286933

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Robert Kay

Serial No. 09/914,366

Filed August 27, 2001

NOVELTY ANIMATED DEVICE
WITH SYNCHRONISED AUDIO
OUTPUT, AND METHOD FOR
ACHIEVING SYNCHRONISED
AUDIO OUPUT THEREIN

)
) Before the Examiner
) Joanne Silbermann
)
) Group Art Unit 3611
)
) June 15, 2004
)
) Ref. No. 5600-2
)
)
)
)

OFFICIAL

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Introductory Comments

In response to the Office Action dated March 15, 2004, please enter the following amendments and remarks in the above-mentioned patent application. The Commissioner is authorized to charge any extensions of time or credit any overcharges to Deposit Account No. 23-3030, but not to include any payment of issue fees.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for
Serial No. 09/914,366
is being facsimile transmitted to the Patent and Trademark Office
Fax Number (703) 872-9306 to Examiner Joanne Silbermann
Art Unit 3611 on June 15, 2004

Cheryl Kalugyer

Typed or Printed Name

Signature

June 15, 2004

Date of Signature

Response to Office Action
Serial No. 09/914,366
Group Art Unit 3611
Attorney Docket No. 5600-2
Page 1 of 18